



222 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45598-2025
Decided on: 28.10.2025

Joginder SinghPetitioner

Versus
State of Punjab and othersRespondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. A.P.S.Tung, Advocate
for the petitioner.

Mr. Jasdeep Singh, Addl. AG, Punjab.

SANJAY VASHISTH, J.

1. Prayer in this petition, filed under Section 482 of the BNSS, 2023 (earlier Section 438 Cr.P.C.), is for grant of anticipatory bail to the petitioner, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner (s)	FIR No.	Date	Section(s)	Police Station	District
Joginder Singh, ASI, aged about 53 years	231	06.07.2016	304, 34, 148, 149 IPC	A Division	Amritsar

2. On 21.08.2025, following order was passed:-

“Prayer in this petition, filed under Section 482 of the BNSS, 2023 (earlier Section 438 Cr.P.C.), is for grant of anticipatory bail to the petitioner, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner (s)	FIR No.	Date	Section(s)	Police Station	District
Joginder Singh, ASI, aged about 53 years	231	06.07.2016	304, 34, 148, 149 IPC	A Division	Amritsar



2. *Learned counsel for the petitioner, inter alia, contends that on 16.06.2015, at approximately 6:30 PM., a white I-20 car, without a number plate was observed coming from the Verka side at a very high speed. Despite signals to stop, the vehicle did not halt. Instead, young man driving the car, who was wearing goggles, opened fire on the police party with the intention to kill. As a result, one of the police officials, HC Rajesh Kumar, sustained bullet injuries and fell on the ground.*

In self-defence, the police team also fired upon the vehicle. leading to an exchange of gunfire between the occupants of the I-20 car and the police personnel. During this encounter, one of the accused, namely Mukhjit Singh @ Mukha, who was driving the car, suffered bullet injuries and died on the spot.

On the same date, FIR No. 242 dated 16.06.2015 was registered by the police under Section 307 of the IPC and Sections 25 and 27 of the Arms Act at Police Station A Division, Amritsar, (Annexure P-1).

District Magistrate, Amritsar, ordered an inquiry to be conducted by the Sub-Divisional Magistrate (SDM), which concluded through its report dated 30.03.2016 (Annexure P-2), that the incident was not a fake encounter. Rather, it was held that in fact police team had fired in self-defence. Subsequently, a Special Investigation Team (SIT) was constituted by the order of the Director General of Police, Punjab Following this, another FIR No.231 dated 06.07.2016 (Annexure P-3) was registered under Sections 304, 34, 148, and 149 of the IPC at Police Station A Division, Amritsar (the impugned FIR herein), against the police officials.

3. *Counsel for the petitioner submits that one of the relatives of the deceased filed a criminal complaint naming total eight*



accused for allegedly committing the offence under Section 302 of the IPC (Section 103 of BNS).

Counsel for the petitioner further refers to the order dated 24.10.2017. passed by learned Additional Sessions Judge, Amritsar, wherein, anticipatory bail was granted to the petitioner along with two others.

4. *It is, thus, contended that in respect of the same incident and the same set of allegations, petitioner has already been granted the concession of anticipatory bail and is willing to cooperate fully with the investigation. Therefore, there is no justification for arresting the petitioner in the present case. Moreover, the Special Investigation Team has registered the case under Section 304 of the IPC i.e. for culpable homicide not amounting to murder. It is also submitted that whether, there was any actual intention to cause death, is an issue to be determined during the course of the investigation and trial. Accordingly, custodial interrogation of the petitioner is neither necessary nor justified. Moreover, petitioner is ready to join the investigation and fully cooperate, if protected from arrest by this Court. Thus, prays for grant of concession of anticipatory bail to the petitioner in the present case.*

5. *Notice of motion.*

6. *On advance notice, Mr. Neeraj Madaan, Sr. DAG, Punjab, puts in appearance on behalf of the respondent State, and seeks some time to file status report in the matter.*

However, to prevent loss to the State Exchequer, the appearance of the concerned respondent(s) in the subsequent proceedings will only be recognized, if the requisite process fee is deposited by the petitioner(s), within a period of one week from today.

7. *Adjourned to 28.10.2025.*

8. *Learned State counsel is directed to file status report in the*



matter, demonstrating therein, the antecedents of the complainant party and also the deceased-Mukhjt Singh @ Mukha.

9. *Meanwhile, petitioner is directed to join the investigation as and when required to do so by the Investigating Agency. In the event of his arrest, the petitioner shall be released on ad-interim bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioner shall also be abide by all the conditions laid down under Section 482(2) of BNSS, 2023 (earlier Section 438(2) Cr.PC).*

10. *Besides, it is directed that petitioner would hand over his passport to the Investigating Agency or to Court concerned, if he possesses. Otherwise, would submit an affidavit, disclosing the fact that he does not possess any passport.*

It is also directed that before leaving country any time during trial, petitioner would seek prior permission of the Court.”

3. Learned counsel for the petitioner contends that in compliance of the order dated 21.08.2025, passed by this Court, petitioner has joined the investigation, and has fully co-operated. Therefore, he prays for confirmation of the said interim anticipatory bail order.

4. While filing status report by way of an affidavit of Gagandeep Singh, Assistant Commissioner of Police, East, Amritsar on behalf of respondents No.1 to 3 learned State counsel confirms the said averment made by counsel for the petitioner of joining the investigation on 25.08.2025 by the petitioner, and submits that as of now, custodial interrogation of the petitioner is not required for the purpose of investigation.

5. Heard learned counsel for the parties.



6. Since, petitioner has already joined the investigation and custodial interrogation is no more required; ad-interim bail order dated 21.08.2025, passed by this Court is hereby made absolute. Accordingly, present petition is allowed.

However, petitioner shall continue to join the investigation as and when required to do so and abide by all the terms and conditions laid down under Section 482(2) of BNSS, 2023.

7. Accordingly, petition stands disposed of.

28.10.2025
sonia

(SANJAY VASHISTH)
JUDGE

Whether Speaking/Reasoned: YES/~~NO~~
Whether Reportable: ~~YES~~/NO